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CONTACT:
Larry Pincus
Public Affairs
212-336-3667
Michele J. Le Moal-Gray
Trial Attorney
212-336-3700
Elizabeth Grossman
Supervisory Attorney
212-336-3696

EEOC SUES APPLIED GRAPHICS TECHNOLOGIES, INC. AND NEWSWEEK, INC. FOR POST-9/11 BACKLASH DISCRIMINATION

Eight-Year Employee of Middle Eastern Descent Fired Based on National Origin

NEW YORK, N.Y. The United States Equal Employment Opportunity Commission (EEOC) today filed suit in federal district court against Applied Graphics Technologies, Inc. (AGT), a New York digital media service company operating nationwide and internationally, and Newsweek, Inc., an international publisher based in New York, alleging discrimination against an employee of Middle Eastern-Lebanese national origin following the terrorist attacks of September 11, 2001.

According to the lawsuit, 03-CV-7681, filed in the U.S. District Court for the Southern District of New York, AGT and Newsweek allegedly terminated an eight-year employee, Jesus R. Mustafa, because of his national origin in the aftermath of 9/11 shortly after he disclosed that his grandfather was Lebanese and Muslim. Following the admission, AGT and Newsweek falsely accused Mustafa of making inappropriate comments and of "unprofessional conduct," failed to conduct an effective investigation into the untrue allegations about him, and suspended and thereafter terminated his employment due to his national origin.

"The EEOC takes very seriously allegations of national origin discrimination," said Katherine Bissell, the agency's Regional Attorney in New York. "Employees are entitled to work in an environment free of discrimination and harassment. No employee should ever be affected in his employment rights because of his or her national origin. The EEOC will continue to pursue such cases vigorously."

EEOC filed the lawsuit after its efforts to conciliate the matter voluntarily without litigation proved futile. The EEOC seeks an injunction prohibiting AGT and Newsweek from engaging in employment practices that discriminate on the basis of national origin and an order requiring the companies to implement policies and procedures against discrimination. The EEOC also asks the court to order back wages plus interest, and other monetary restitution, including front pay, for Mr. Mustafa.

Spencer H. Lewis, Director of the EEOC's New York District Office, said: "Employers should be aware that they cannot discriminate based on the national origin of their employees. Employment decisions motivated by national origin stereotypes cannot be sanctioned. The EEOC wants to ensure that every individual has the freedom to compete in the workplace on a level playing field regardless of race, color, religion, national origin, sex, age or disability. Employers in general, and the American economy in particular, benefit when all employees have the opportunity to achieve their fullest potential."

Since September 11, 2001, the EEOC has received more than 800 charge filings nationwide alleging backlash discrimination by individuals who are or who are perceived to be Muslim, Arabic, Middle Eastern, South Asian or Sikh. The two most common issues alleged are harassment and discharge. Nearly 100 individuals aggrieved by 9/11-related employment discrimination have received over \$1,450,000 in monetary benefits through the EEOC's enforcement, mediation, conciliation, and litigation efforts. The Commission has also been at the forefront of the federal government in conducting vigorous outreach and

education to both the employer and labor communities at the national and grassroots levels to prevent such discrimination and promote voluntary compliance with the law.

In addition to enforcing Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin, the EEOC enforces the Age Discrimination in Employment Act, which protects individuals 40 years of age or older; the Equal Pay Act of 1963; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency*s Web site at www.eeoc.gov.

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